

## **ORDINANCE NO. 23-2010**

### **AN ORDINANCE OF THE CITY OF FREMONT ADOPTING AND AMENDING THE 2010 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, EXISTING BUILDING, RESIDENTIAL, AND GREEN BUILDING CODES, AMENDING FREMONT MUNICIPAL CODE TITLE VII (BUILDING REGULATIONS), CHAPTER 1 (FREMONT BUILDING CODE), ARTICLES 1 THROUGH 6 AND ADDING ARTICLES 8 AND 9, AND MAKING CONFORMING AMENDMENTS TO TITLE VII, CHAPTER 3 (FREMONT HOUSING CODE) AND TITLE VII, CHAPTER 4 (FREMONT ABATEMENT OF DANGEROUS BUILDINGS CODE)**

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The City Council of the City of Fremont does ordain as follows:

#### **SECTION 1. REPEALS**

Those portions of Ordinance 31-2007 amending Fremont Municipal Code Title VII, Chapter 1, Articles 1 through 6 that are in conflict with or superseded by the provisions of this ordinance are repealed.

#### **SECTION 2. FMC §7-1102 AMENDED**

Section 7-1102 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 1 (General Provisions) is amended to read:

##### **Sec. 7-1102 Administration & Enforcement**

(a) The Building and Safety Division is responsible for the administration and enforcement of the provisions of Articles 1 through 6, 8 and 9 of this code. "Building Official" as referenced in this code means the Building Official.

(b) [text not changed].

#### **SECTION 3. FMC §7-1110 AMENDED**

Section 7-1110 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 1 (General Provisions) is amended to read:

##### **Sec. 7-1110 Permit Applications Pending as of December 31, 2010**

The provisions of Articles 2 through 9 shall take effect on January 1, 2011 except that where complete working drawings, plans, structural designs and specifications for buildings have been filed for building permits before this date, permits may be issued based on the previous ordinances and codes effective at the time of filing, and the applicant may proceed with the construction, provided physical construction is started within one hundred eighty (180) days from the date of issuing the permit and continued to completion. Where

construction has not commenced within 180 days of the issuance of a building permit which has been issued under any previous ordinance, no renewal or extension of such building permits shall be granted unless all of the requirements of the 2010 California Building Standards Code, as amended by the City of Fremont, are met.

**SECTION 4.**      FMC §7-1114 AMENDED

Section 7-1114 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 1 (General Provisions) is amended to read:

**Sec. 7-1114      Findings**

The City Council has adopted updated findings by resolution under Health and Safety Code Section 17958.7 for local modifications to the building standards contained in the 2010 California Building Standards Code based on local climatic, geological and topographical conditions as required by Health and Safety Code Sections 18941.5 and 17958.5.

**SECTION 5.**      FMC §7-1118 AMENDED

Section 7-1118 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 1 (General Provisions) is amended to read:

**Sec. 7-1118      Boards of Appeals**

(a) Where the provisions of this Chapter provide for a board of appeals, the board shall be the Fremont City Council. The decisions of the board are final as to the City. The board shall have no authority relative to notices, orders, or citations issued under Fremont Municipal Code Sections 1-3100 *et seq.*, 1-4100 *et seq.* or 4-9100 *et seq.*, and shall have no authority relative to interpretation of the administrative provisions of this Chapter nor shall the board be empowered to waive requirements of this Chapter.

(b) An application for appeal shall be based on a claim that the true intent of this code have been incorrectly interpreted, the provisions of this code do not fully apply or an alternative provides at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**SECTION 6.**      DRAFTING SYNTAX

Fremont Municipal Code (FMC) section text is italicized in this ordinance to assist the reader in distinguishing between City of Fremont modifications to the California Building Standards Code and the FMC section text adopting the modifications.

For each section of the California Building Standards Code that is modified in part by the City of Fremont, whole subsections that are not modified are indicated by the subsection number followed by “{CBC text not modified}” with the appropriate acronym for the specific code, which is to be codified as written. Each subsection that is deleted in its entirety by the City of Fremont is indicated by the subsection number followed by “- deleted”.

**SECTION 7. REPEAL OF FMC §7-1220.406 THROUGH 7-1221.113**

Sections 7-1220.406, 7-1220.508, 7-1220.602, 7-1220.704, 7-1220.708, 7-1220.711, 7-1220.701A, 7-1220.702A, 7-1220.704A, 7-1220.902, 7-1220.903, 7-1220.1017, 7-1220.1019, 7-1220.1507, 7-1220.1612, 7-1220.1613, 7-1220.1614, 7-1220.1704, 7-1220.1709, 7-1220.1802, 7-1220.1803, 7-1220.1908, 7-1220.2205, 7-1220.2305, 7-1220.2308, 7-1220.2505, 7-1220.2508, 7-1220.3401, 7-1220.3406, 7-1221, 7-1221.103, 7-1221.104, 7-1221.105, 7-1221.106, 7-1221.108, 7-1221.109, 7-1221.110, 7-1221.111, 7-1221.112, and 7-1221.113 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code) of Article 2 are repealed.

**[FREMONT BUILDING CODE]**

**SECTION 8. FMC §7-1210 AMENDED**

Section 7-1210 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) is amended to read:

**Sec. 7-1210 Adoption of the 2010 CBC with Amendments**

The 2010 edition of the California Building Code as published by the International Code Council is adopted as the Building Code of the City of Fremont, California, as if fully set out in this Article. and is amended as provided in this Article. A copy of 2010 CBC shall be maintained on file in the office of the City Clerk.

**SECTION 9. FMC §7-1212 AMENDED**

Section 7-1212 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) is amended to read:

**Sec. 7-1212 Adoption of Certain 2010 CBC Appendix Chapters**

The following Appendix Chapters of the 2010 California Building Code are adopted by the City of Fremont. The remaining Appendix Chapters are not adopted.

- (1) Appendix C (Agricultural Building)
- (2) Appendix I (Patio Cover)

**SECTION 10. FMC §7-1214 ADDED**

Section 7-1214 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1214 Adoption of 2010 CBC Chapter 1, Division II**

(a) Chapter 1, Division II of the 2010 California Building Code is adopted by the City of Fremont and made a part of the Fremont Building Code, except for the sections set forth in

subsection (b). References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Fremont.

(b) The following sections of Chapter 1, Division II of the 2010 California Building Code are not adopted: 101, 102, 103, 113, and 114.

**SECTION 11.** FMC §7-1220 AMENDED

Section 7-1220 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) is amended to read:

**Sec. 7-1220 Amendments to 2010 CBC; Numbering**

The 2010 California Building Code is amended as provided in Sections 7-1220.103 through 7-1220.3408. The number to the right of the decimal point in these sections corresponds to the section in the 2010 California Building Code that is amended.

**SECTION 12.** FMC §7-1220.104 ADDED

Section 7-1220.104 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.104 Amendment of 2010 CBC Section 104 (Duties and Powers of the Building Official)**

*Section 104 of the 2010 California Building Code is amended as follows:*

104.1 – 104.11.4 {CBC text not modified}

**104.12 Limits on repair/remodel for R-3 and U-1 occupancies.** When the scope of work for R-3, single family dwelling and U-1, garage or storage, occupancies involves the removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) and 50 percent of the roof within a one-year period, the project shall be considered as new construction; and the entire building shall comply with all current codes including local ordinances. For automatic fire extinguishing system requirements, see FMC Section 7-1220.903.

**104.13 Authority to condemn building service equipment.** Whenever the Building Official ascertains that any building service equipment regulated in the technical codes has become hazardous to life, health, property, or becomes unsanitary, he or she shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of the disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of this Section, the Building Official may institute any appropriate action to prevent, restrain, correct or abate the violation.

**104.14 Connection after order to disconnect.** No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of the equipment.

**SECTION 13.** FMC §7-1220.105 ADDED

Section 7-1220.105 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.105 Amendment of 2010 CBC Section 105 (Permits)**

*Section 105 of the 2010 California Building Code is amended as follows:*

105.1 {CBC text not modified}

105.1.1 - 105.1.2 - deleted

**105.2 Work exempt from permit**{CBC text not modified}

**Building:**

1. {CBC text not modified}
2. Fences not over 6 feet (1829 mm) high when not subject to specific City of Fremont Planning and Zoning regulations.
3. {CBC text not modified}
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II or 111-A liquids. Retaining walls in hillsides or retaining walls subject to City of Fremont Planning, Zoning, and Grading regulations or any other City Council resolutions are not subject to permit exemptions.
5. – 13. {CBC text not modified}

**Electrical** {CBC text not modified}

**Gas** {CBC text not modified}

**Mechanical** {CBC text not modified}

**Plumbing** {CBC text not modified}

105.2.1 – 105.3.1 {CBC text not modified}

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days.

105.4 {CBC text not modified}

**105.5 Expiration.** Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The construction is deemed suspended or abandoned unless an inspection indicating substantial progress in construction has been requested every 180 days or sooner. Before work may resume on a construction project declared suspended or abandoned, a new permit first must be obtained. Where suspension or abandonment has not exceeded one year and no changes have been made or will be made to the original plans and specifications for the work, the renewal fee shall be one half the amount required for a new permit for the work. Otherwise, the renewal fee shall be the full amount required for a new permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to perform work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

105.6 – 105.7 {CBC text not modified}

**SECTION 14.** FMC §7-1220.107 ADDED

Section 7-1220.107 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.107 Amendment of 2010 CBC Section 107 (Submittal Documents)**

*Section 107 of the 2010 California Building Code is amended to read:*

107.1 – 107.2.5.1 {CBC text not modified}

**107.2.6 Required plat of survey.** Any person, firm or corporation applying for a

permit for the erection or construction of a building or structure, or moving an existing building to a new location shall, when required by the Building Official, file with the set of plans and specifications required by the foregoing provisions of this Section a minimum of three (3) copies of a plat of a survey of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of every existing building on the lot, the location of existing curbs, sidewalks, and main sewers and the location of waterways, storm drains, inlets, and culverts affecting the lot. Said plat shall be drawn to a scale of not smaller than twenty (20) feet to one (1) inch, unless authorized by the Building Official, and shall show the contours at one (1) foot intervals for predominant ground slopes between level and four (4) percent and five (5) foot contours for predominant ground slopes over four (4) percent which contours shall extend to the center of the street when said Street is unimproved, or to the curb line when the street is improved. All grades and contours shall be based on United States Coast and Geodetic Survey datum (mean sea level) except when authorized otherwise by the Building Official. The survey shall have been made by a licensed land surveyor or registered civil engineer in the State of California and the map of said survey shall be signed and certified with their license or certificate number, and the property shall be located thereon by map or deed distance to the nearest street intersection. The exterior boundaries of said property shall be clearly outlined on the ground by appropriate permanent stakes or monuments. The location of said stakes or monuments shall be shown on the survey map with elevations thereon.

107.3 {CBC text not modified}

**107.3.1. Approval of construction documents.** When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Approved”.

107.3.2 – 107.5 {CBC text not modified}

## SECTION 15. FMC §7-1220.109 ADDED

Section 7-1220.109 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

### **Sec. 7-1220.109 Amendment of 2010 CBC Section 109 (Fees).**

*Section 109 of the 2010 California Building Code is amended as follows:*

109.1 {CBC text not modified}

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule of fees established by resolution of the Fremont City Council. Where issuance of a permit for the construction of part of a building or structure has been approved, the fees shall be established by a City of

Fremont Fee Resolution as adopted by the City Council.

**109.3 Building permit valuation.** The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

For a partial plan review and/or partial building permit, the building permit valuation for the first permit shall be based on the total value of all construction work for the entire completed building, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire extinguishing systems and any other permanent equipment. The building and plan review fees for each subsequent partial permit shall be at the rate of 50 percent of the fee due for the value of the phase.

**109.3.1 Plan review fees.** When submittal documents are required by Section 106.1 a plan review fee shall be paid at the time of submitting the documents for plan review. Said plan review fee shall be as established by resolution of the City Council.

The plan review fees specified in this Section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate established by resolution of the City Council.

109.4 {CBC text not modified}

109.4.1 An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.5 {CBC text not modified}

**109.6 Refunds.** The Building Official is authorized to establish a refund policy. As part of the policy, the Building Official may authorize refunding a portion of the fee equal to 80 percent of the permit fee paid less the application fee when no work has been done under a permit issued in accordance with this code.

## SECTION 16. FMC §7-1220.110 ADDED

Section 7-1220.110 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:



**Sec. 7-1220.110 Amendment to 2010 CBC Section 110 (Inspections)**

*Section 110 of the 2010 California Building Code is amended as follows:*

110.1 – 110.6 {CBC text not modified}

**110.6.1 Gas or electrical utilities.** There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning, security and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has been first obtained from the Building Official, as provided by the Temporary Certificate of Occupancy in Section 110.3.

**110.7 Re-inspection fee.** When re-inspection is required, an additional inspection fee shall be charged at the rate fee established by resolution of the City Council.

SECTION 17. FMC §7-1220.111 ADDED

Section 7-1220.111 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.111 Amendment of 2010 CBC Section 111 (Certificate of Occupancy)**

*Section 111 of the 2010 California Building Code is amended as follows:*

**111.1 Use and occupancy.** {CBC text not modified}

**Exception:** Group R-3 and Group U Occupancies.

**111.1.1 Change in Use.** Where a change in the existing occupancy classification is made, an inspection of the premises as deemed necessary by the Building Official to determine that the provisions of Section 111.1 are met before issuance of said certificate. Said certificate of occupancy shall be obtained from the Building Official upon completion of an application for the certificate and the payment of a fee as established by resolution of the City Council.

**111.2 Certificate issued.** After final inspection when it is found that the building or structure complies with the provisions of this Code and other laws which are enforced by the City of Fremont, and, when required, the Engineer or Architect of Record has stated in writing that based on field observation conducted by him or her, or his or her designee, the building or structure is in general conformance with the approved plan, then the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.

3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.

111.3 {CBC text not modified}

**111.3.1 Limitations.** An application for temporary certificate of occupancy must be filed, clearance for connection of the gas and electrical utilities must be obtained and the required fees as established in the City of Fremont Fee Resolution shall be paid before the temporary certificate of occupancy is issued.

**111.3.2 Discontinuance of temporary occupancy.** In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official, the building shall be vacated and the utilities disconnected until such time as the building is completed and final inspection is made and a certificate of occupancy is issued as set forth above.

111.4 {CBC text not modified}

## SECTION 18. FMC §7-1220.112 ADDED

Section 7-1220.112 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

### **Sec.7-1220.112 Amendment of 2010 CBC Section 112, (Service Utilities)**

*Section 112 of the 2010 California Building Code is amended as follows:*

112.1 – 112.2 {CBC text not modified}

**112.3 Authority to disconnect utilities.** The Building Official or his or her authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever reasonably possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

SECTION 19. FMC §7-1220.406 ADDED

Section 7-1220.406 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.406 Amendment to 2010 CBC Section 406 (Motor Vehicle Related Occupancies)**

*Section 406 of the 2010 California Building Code is amended as follows:*

406.1 – 406.1.3 {CBC text not modified}

**406.1.4 Separation.** {CBC text not modified}

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum 5/8-inch Type X gypsum board or equivalent applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) thick, or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

2. -3 {CBC text not modified}

406.1.5 – 406.7.4 {CBC text not modified}

SECTION 20. FMC §7-1220.508 ADDED

**Sec. 7-1220.508 Amendment to 2010 CBC Section 508 (Mixed Use and Occupancy)**

Section 7-1220.508 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

*Section 508 of the 2010 California Building Code is amended as follows:*

508.1 – 508.3.2 {CBC text not modified}

**508.3.3 Separation.** {CBC text not modified}

**Exceptions:**

1. Group H-2, H-3, H-4, H-5, I-2, I-2.1 or I-3 occupancies shall be separated from all other occupancies in accordance with Section 508.3.3.
2. The requirement of garage side protection of Section 406.1.4 shall be provided between all private garages and residential occupancies.

**SECTION 21.** FMC §7-1220.602 ADDED

Section 7-1220.602 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.602 Amendment to 2010 CBC Section 602 (Construction Classification)**

*Table 602, footnote c of the 2010 California Building Code is amended as follows. All other subsections and tables within Section 602 are not modified.*

- c. Except in *high-rise buildings*, Group A, E, F-1, H, I, L, M, R-1, R-2, and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. *For Group A, E, I, L, R-1, and R-2 occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, fire protection of members other than the structural frame shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below.* Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.

**SECTION 22.** FMC §7-1220.709 ADDED

Section 7-1220.709 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.709 Amendment to 2010 CBC Section 709 (Fire Partitions)**

*Section 709 of the 2010 California Building Code is amended as follows:*

709.1 – 709.2 {CBC text not modified}

**709.3 Fire-resistance rating.** {CBC text not modified}

**Exceptions:**

1. {CBC text not modified}

2. deleted

709.4 – 709.9 {CBC text not modified}

**SECTION 23.** FMC §7-1220.712 ADDED

Section 7-1220.712 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.712 Amendment to 2010 CBC Section 712 (Horizontal Assemblies)**

*Section 712 of the 2010 California Building Code is amended as follows:*

712.1 – 712.2 {CBC text not modified}

**712.3 Fire-resistance rating.** {CBC text not modified}

**Exception:** deleted

712.3.1 -712.9 {CBC text not modified}

**SECTION 24. FMC §7-1220.701A ADDED**

Section 7-1220.701A is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.701A Amendment to 2010 CBC Section 701A (Scope, Purpose and Application)**

*Section 701A of the 2010 California Building Code is amended as follows:*

**701A.1 Scope:** This chapter applies to building materials, systems and assemblies used in the exterior design and construction of new and existing buildings or structures erected, constructed, altered, or moved within a Wildland-Urban Interface Fire Area as defined in Section 702A.

701A.2 {CBC text not modified}

**701A.3 Application.** New or existing buildings or structures erected, constructed, altered, or moved within or into any Wildland-Urban Interface Fire Area, shall comply with all sections of this chapter.

**Exceptions:**

1. – 3. {CBC text not modified}

4. deleted.

701A.3.1 – 701A.5 {CBC text not modified}

**SECTION 25. FMC §7-1220.702A ADDED**

Section 7-1220.702A is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.702A Amendment to 2010 CBC Section 702A (Definitions)**

*Section 702A of the 2010 California Building Code is amended by modifying the following definitions. The remaining definitions are not modified.*

**LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE** means those areas designated by the City of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title VII, Chapter 13.

**WILDLAND-URBAN INTERFACE FIRE AREA** is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51176 through 51189, and includes those areas designated by the City of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title VII, Chapter 13.

**SECTION 26.** FMC §7-1220.705A ADDED

Section 7-1220.705A is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.705A Amendment to 2010 CBC Section 705A (Roofing)**

*Section 705A of the 2010 California Building Code is amended as follows:*

705A.1 – 705A.2 {CBC text not modified}

**705A.2.1 Wildland Urban-Interface Fire Area.** The roof covering of any new structure or the re-roofing of any existing building within Wildland-Urban Interface Fire Area, regardless of the type of construction or occupancy classification, shall be a fire-retardant roof covering that is at least Class A. All alteration, repair, replacement or reroofing shall conform to the applicable provisions of the 2010 California Building Code Section 1604 “Roof Design” and any other applicable engineering requirements, including Chapter 15, “Roof Construction and Covering.

705A.3 – 705A.4 {CBC text not modified}

**SECTION 27.** FMC §7-1220.707A ADDED

Section 7-1220.707A is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.707A Amendment to 2010 CBC Section 707A (Exterior Covering)**

*Section 707A of the 2010 California Building Code is amended as follows:*

707A.1 – 707A.3.1 {CBC text not modified}

**707A.3.1.2 Exterior wall covering.** All exterior faces of the exterior walls shall be of an assembly qualified for exterior face of recognized one-hour fire resistive

assemblies. All exterior wall coverings shall meet a Class I flame spread requirement and be installed over materials approved for one-hour fire-resistive construction.

Exception: Class I flame spread requirement may be waived for additions not to exceed 50%, cumulatively over the life of the structure, of the existing structure including garage areas with 1-hour fire resistive exterior wall assembly.

707A.4 – 707A.8 {CBC text not modified}

**707A.9 Utilities.** Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed under-floor area of a building or structure shall be enclosed with material as required for exterior, one-hour, fire-resistive construction. Adequate covered access opening for servicing such utilities shall be provided as required by appropriate codes.

**707A.10 Historical buildings.** Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the Building Official, provided:

1. The building or structure conforms to Part 8, Title 24, of the California Code of Regulations; and
2. A fire protection plan is implemented so that the building or structure will be no more of a fire hazard than any new building. The plan must be prepared and signed by a registered Fire Protection Engineer. The plan must be approved by the Building Official and fire chief prior to the commencement of any work.

## SECTION 28. FMC §7-1220.902 ADDED

Section 7-1220.902 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

### **Sec. 7-1220.902 Amendment to 2010 CBC Section 902 (Definitions)**

*Section 902 of 2010 California Building Code is amended by adding additional definitions to Section 902.1 as follows. The remaining definitions are not modified.*

**CURRENT CODE** means the edition of the California Building Standards Code published by the International Code Council (ICC) as adopted by the City of Fremont. The edition to be applied shall be that edition in effect at the time damage occurs.

**ENGINEERING EVALUATION** means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

**ESSENTIAL SERVICE FACILITY** means that building or structure which has been designated by the City Council to house facilities which are necessary for emergency operations.

**FIRE PROTECTION ENGINEER** means an individual registered by the State of California to practice fire protection engineering and to use the title, Fire Protection Engineer, as defined in the State of California Business and Professions Code.

**HAZARDOUS FIRE AREA** means the “Wildland-Urban Interface Fire Area” as defined in Section 702A as amended by the City of Fremont.

**HISTORIC BUILDING OR STRUCTURE** means as defined in the Section 8-201, Chapter 2, Part 8, 2010 California Historical Building Code, Title 24 of the California Codes of Regulations.

**REPLACEMENT VALUE** means the dollar value, as determined by the Building Official based upon the square footage and the guidelines used in establishing the valuation of new construction, for replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

**VALUE OF REPAIR** means the dollar value, as determined by the Building Official, of the necessary repairs to a damaged structure.

**SECTION 29.** FMC §7-1220.903 ADDED

Section 7-1220.903 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.903 Amendment to 2010 CBC Section 903 (Automatic Sprinkler System)**

*Section 903 of the 2010 California Building Code is amended as follows:*

**903.1 General.** Automatic sprinkler systems shall be provided as set forth in Section 903 of the California Fire Code as adopted and amended by FMC Section 7-1720.903.

903.1.1 – 903.5 deleted

**SECTION 30.** FMC §7-1220.1018 ADDED

Section 7-1220.1018 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1018 Amendment to the 2010 CBC Section 1018 (Corridors)**

*Table 1018.1 of the 2010 California Building Code is amended by modifying the third row below the header to read as follows. The remainder of Table 1018.1 is unchanged.:*



A <sup>d</sup> , B, F, M, S, U	Greater than 30	1	1
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**SECTION 31.** FMC §7-1220.1021 ADDED

Section 7-1220.1021 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1021 Amendment to the 2010 CBC Section 1021 (Number of Exits and Continuity)**

*Table 1021.2 of the 2010 California Building Code is amended by eliminating footnote c.*

**SECTION 32.** FMC §7-1220.1507 ADDED

Section 7-1220.1507 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1507 Amendment to 2010 CBC Section 1507 (Requirement for Roof Covering)**

*Section 1507 of the 2010 California Building Code is amended as follows:*

1507.1 {CBC text not modified}

**1507.1.1 Certification.** The installer of the roof covering shall provide certification of the roof covering classification to the building owner and to the City when roof covering installation is subject to the 2010 CBC Chapter 7A.

**Exceptions:**

1. The certification requirements of this Section shall not apply to any building which is subject to addition, repair, alterations, roof installation, or replacement of less than 50% of the existing building's roof area over the life of the building commencing on or after the effective date of February 15, 1991.
2. For accessory building, refer to Section 105.2, exception 1.

1507.2 – 1507.16 {CBC text not modified}

**SECTION 33.** FMC §7-1220.1612 ADDED

Section 7-1220.1612 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1612 Amendment to the 2010 CBC Section 1612 (Flood Loads)**

*Section 1612 of the 2010 California Building Code is amended as follows:*

1612.1 – 1612.2 {CBC text not modified}

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for City of Fremont, California, revision dated February 9, 2000, as amended, with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

**Exception:** {CBC text not modified}

1612.3.1. – 1612.5 {CBC text not modified}

**SECTION 34. FMC §7-1220.1613 ADDED**

Section 7-1220.1613 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1613 Amendment to 2010 CBC Section 1613 (Earthquake Load)**

*Section 1613 of the 2010 California Building Code is amended as follows:*

1613.1 – 1613.6.6 {CBC text not modified}

**1613.6.7 Minimum distance for building separation.** {Equation 16-44 is amended as shown. All other portions of 1613.6.7 are not modified.}

$$\delta_M = \frac{C_d \delta_{\max}}{I} \quad (\text{Equation 16-44})$$

where:

$C_d$  = Deflection amplification factor in Table 12.2-1 of ASCE 7.

$\delta_{\max}$  = Maximum displacement defined in Section 12.8.4.3 of ASCE 7.

~~$I$  = Importance factor in accordance with Section 11.5.1 of ASCE 7.~~

1613.6.8 – 1613.7 {CBC text not modified}

**1613.8 Modified ASCE 7, Table 12.8-2.** ASCE 7 Table 12.8-2 is amended as follows:

Structure Type	$C_t$	$\alpha$
Eccentrically braced steel frames <u>and buckling-restrained braced frames</u>	0.03 (0.0731) <sup>a</sup>	0.75

**1613.9 Modified ASCE 7, 12.2.3.1, Exception 3.** ASCE 7 Section 12.2.3.1 Exception 3 is amended as follows:

3. Detached one and two family dwellings up to two stories in height of light frame construction.

**1613.10 Modified ASCE 7, Section 12.8.7.** ASCE 7 Section 12.8.7 is amended by modifying Equation 12.8-16 as follows:

$$\theta = \frac{P_x \Delta I}{V_x h_{sx} C_d} \quad (12.8-16)$$

**1613.11 Suspended Ceilings.** Minimum design and installation standards for suspended ceilings shall be determined in accordance with the requirements of Section 2506.2.1 of this Code and this subsection.

**1613.11.1 Scope.** This part contains special requirements for suspended ceilings and lighting systems. Provisions of Section 13.5.6 of ASCE 7 shall apply except as modified herein.

**1613.11.2 General.** The suspended ceilings and lighting systems shall be limited to 6 feet (1828 mm) below the structural deck unless the lateral bracing is designed by a licensed engineer or architect.

**1613.11.3 Design and Installation Requirements.**

**1613.11.3.1 Bracing at Discontinuity.** Positive bracing to the structure shall be provided at changes in the ceiling plane elevation or at discontinuities in the ceiling grid system.

**1613.11.3.2 Support for Appendages.** Cable trays, electrical conduits and piping shall be independently supported and independently braced from the structure.

**1613.11.3.3 Sprinkler Heads.** All sprinkler heads (drops) except fire-resistance-rated floor/ceiling or roof/ceiling assemblies, shall be designed to allow for free movement of the sprinkler pipes with oversize rings, sleeves or adaptors through the ceiling tile, in accordance with Section 13.5.6.2.2 (e) of ASCE 7.

Sprinkler heads penetrating fire-resistance-rated floor/ceiling or roof/ceiling assemblies shall comply with Section 713 of this Code.

**1613.11.3.4 Perimeter Members.** A minimum wall angle size of at least a two-inch (51 mm) horizontal leg shall be used at perimeter walls and interior full height partitions. The first ceiling tile shall maintain 3/4 inch (19 mm) clear from the finish wall surface. An equivalent alternative detail that will provide sufficient movement due to anticipated lateral building displacement may be used in lieu of the long leg angle subject to the approval of the Building Official.

**1613.11.4 Special Requirements for Means of Egress.** Suspended ceiling assemblies located along means of egress serving an occupant load of 30 or more shall comply with the following provisions.

**1613.11.4.1 General.** Ceiling suspension systems shall be connected and braced with vertical hangers attached directly to the structural deck along the means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A Occupancies. Spacing of vertical hangers shall not exceed 2 feet (610 mm) on center along the entire length of the suspended ceiling assembly located along the means of egress or at the lobby.

**1613.11.4.2 Assembly Device.** All lay-in panels shall be secured to the suspension ceiling assembly with two hold-down clips minimum for each tile within a 4-foot (1219 mm) radius of the exit lights and exit signs.

**1613.11.4.3 Emergency Systems.** Independent supports and braces shall be provided for light fixtures required for exit illumination. Power supply for exit illumination shall comply with the requirements of Section 1006.3 of this Code.

**1613.11.4.4 Supports for Appendage.** Separate support from the structural deck shall be provided for all appendages such as light fixtures, air diffusers, exit signs, and similar elements.

SECTION 35. FMC §7-1220.1704 ADDED

Section 7-1220.1704 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1704 Amendment to 2010 CBC Section 1704 (Special Inspections)**

*Section 1704 of the 2010 California Building Code is amended as follows:*

1704.1 – 1704.3.4 {CBC text not modified}

**1704.4 Concrete Construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

**Exceptions:** Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).
2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:
  - 2.1. The footings support walls of light-frame construction;

- 2.2. The footings are designed in accordance with Table 1809.7; or
- 2.3. The structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
4. deleted
5. Concrete patios, driveways and sidewalks, on grade.

1704.4.1 – 1704.7 {CBC text not modified}

**1704.8 Driven deep foundations and connecting grade beams.** Special inspections shall be performed during installation and testing of driven deep foundation elements as required by Table 1704.8. *Special inspections shall be performed for connection grade beams in accordance with Section 1704.4 for structures assigned to Seismic Design Category D, E or F.* The approved geotechnical report, and the construction documents prepared by the registered design professionals, shall be used to determine compliance.

**1704.9 Cast-in-place deep foundations and connecting grade beams.** Special inspections shall be performed during installation and testing of cast-in-place deep foundation elements as required by Table 1704.9. *Special inspections shall be performed for connection grade beams in accordance with Section 1704.4 for structures assigned to Seismic Design Category D, E or F.* The approved geotechnical report, and the construction documents prepared by the registered design professionals, shall be used to determine compliance.

1704.10 – 1704.16.2 {CBC text not modified}

**SECTION 36.** FMC §7-1220.1710 ADDED

Section 7-1220.1710 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1710 Amendment to 2010 CBC Section 1710 (Structural Observations)**

*Section 1710 of the 2010 California Building Code is amended as follows:*

1710.1 {CBC text not modified}

**1710.2 Structural observations for seismic resistance.** {CBC text not modified}

1. – 5. {CBC text not modified}

6. Structural observations of the lateral system shall be provided for all new commercial, industrial, and multifamily buildings and all new single family dwelling on hillsides.

**Exception:** Structural observations of the lateral system may be waived for one and two-story wood residential structures when such structures are in full compliance with conventional design of Chapter 23 of the California Building Code.

1710.3 {CBC text not modified}

**SECTION 37.** FMC §7-1220.1803 ADDED

Section 7-1220.1803 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1803 Amendment to 2010 CBC Section 1803 (Geotechnical Investigations)**

*Section 1803 of the 2010 California Building Code is amended as follows:*

1803.1 – 1803.1.1.3 {CBC text not modified}

**1803.2 Investigations required.** {CBC text not modified}

**Exceptions.** The following occupancies are exempt:

1. Group U occupancies;
2. Single story additions to existing Group R3 occupancies when total added floor area is less than 1,000 square feet and the building site is not within seismic induced landslide hazard zone.
3. Multi-story addition to existing single family dwelling (R3) occupancies when all of the following conditions are met:
  - a. Added floor area above the first floor is no more than 1,000 square feet,
  - b. When an Architect, Civil or Structural engineer registered in the State of California provides the structural design,
  - c. The Architect or Engineer of Record shall certify in writing that the new foundation matches existing foundation,
  - d. Building site is not within seismic induced landslide hazard zone.

4. A new soil report is not required when a soil report is available for the original construction of the existing structure and soil engineer allows extension of the existing report to the proposed addition construction.
5. Accessories and minor additions may be exempted by the Building Official.

1803.3 – 1803.5.12 {CBC text not modified}

**1803.6 Reporting.** {CBC text not modified}

1. – 11. {CBC text not modified}
12. Drainage and erosion control recommendations.
13. Minimum building setbacks to slope tops or toes.
14. Equivalent-fluid-density lateral loads used in design of retaining walls or basement walls.
15. Ground response evaluation by geologist licensed in California for:
  - a. Flexible structures located on site having soft to medium cohesion less soils in upper 50 feet and depth to bedrock is 400 feet or greater; and
  - b. Structures having irregular shapes, framing systems, or other unusual features as determined by the Building Official.
16. Liquefaction evaluation for the following uses:
  - a. Subdivisions of Group R-3 occupancy having 100 units or more;
  - b. Apartment or condominium complexes of Group R- I occupancy having 50 or more units;
  - c. Structure of four or more stories or over 35 feet high;
  - d. Commercial, industrial, and institutional projects having 250 occupants or more;
  - e. Essential facilities.
17. Slope stability evaluation in areas subject to localized or major landslides.
18. Surface rupture evaluation by geologist licensed in California for all projects for human occupancy located with a Geologic Hazards Special Studies Zone, as mapped by the California Division of Mines and Geology.
19. Soil corrosivity analysis and long-term corrosion control design recommendations.

1803.7 – 1803.7.2 {CBC text not modified}

**1803.8 Review.** Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall state in writing (must be signed and stamped):

1. The plans and specifications substantially conform to the recommendations in the soil investigation.
2. The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

**1803.9 Field Report.** Before requesting a foundation inspection from the City, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.
2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms with the soil report and approved plans.

**1803.10 Final Report.** Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

**SECTION 38.** FMC §7-1220.1804 ADDED

Section 7-1220.1804 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1804 Amendment to 2010 CBC Section 1804 (Excavation, Grading and Fill)**

*Section 1804 of the 2010 California Building Code is amended as follows:*

1804.1 – 1804.3 {CBC text not modified}

**1804.3.1** Slopes for permanent fills shall not be steeper than 3 horizontal to 1 vertical. Cut slopes for permanent excavations shall not be steeper than 3 horizontal to 1 vertical unless substantiating data justifying steeper cut slopes is submitted. Deviation from the foregoing limitations for cut slopes shall be permitted only upon the presentation of a soils report acceptable to the Building Official. All site improvements shall be designed and constructed in accordance with the recommendations contained in the soil report.



**1804.3.2** Where cuts or fills are to be made as described above, pad elevation certification(s) will be required prior to foundation inspection. Required certification shall be made by a licensed Land surveyor or registered civil engineer in the State of California.

1804.4 – 1804.6 {CBC text not modified}

**SECTION 39.** FMC §7-1220.1807 ADDED

Section 7-1220.1807 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1807 Amendment to 2010 CBC Section 1807 (Foundation Walls, Retaining Walls and Embedded Posts and Poles)**

*Section 1807 of the 2010 California Building Code is amended as follows:*

1807.1 – 1807.1.5 {CBC text not modified}

**1807.1.6 Prescriptive design of concrete and masonry foundation walls.** Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section.

*Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.*

1807.1.6.1 {CBC text not modified}

**SECTION 40.** FMC §7-1220.1908 ADDED

Section 7-1220.1908 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1908 Amendment to 2010 CBC Section 1908 (Modifications to ACI 318)**

*Section 1908 of the 2010 California Building Code is amended as follows:*

1908.1 {CBC text not modified}

**1908.1.2 ACI 318, Section 21.1.1.** {CBC text not modified}

21.1.1.3 {CBC/ACI text not modified}

21.1.1.4 {CBC/ACI text not modified}

21.1.1.7 {CBC/ACI text not modified}

(a) – (g) {CBC/ACI text not modified}

(h) All special moment frames and special structural walls shall also satisfy 21.1.3 through 21.1.7. Concrete tilt-up wall panels classified as intermediate precast structural wall systems shall satisfy 21.9 in addition to 21.4.2 and 21.4.3 for structures assigned to Seismic Design Category D, E or F.

1908.1.3 – 1908.1.7 {CBC text not modified}

**1908.1.8 ACI 318, Section 22.10.** Delete ACI 318, Section 22.10, and replace with the following:

22.10 – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Structural plain concrete basement, foundation or other walls below the base are permitted in detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or E, the height of the wall shall not exceed 8 feet (2438 mm), the thickness shall not be less than 7½ inches (190 mm), and the wall shall retain no more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with 22.6.6.5. Concrete used for fill with a minimum cement content of two (2) sacks of Portland cement per cubic yard.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

~~—Exception: In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.~~

- (c) Plain concrete footings supporting walls are permitted provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. ~~For footings that exceed 8 inches (203 mm) in thickness, A~~ minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Exceptions:**

- ~~1.—~~In detached one- and two-family dwellings three stories or less in height and constructed with stud-bearing walls, plain concrete footings ~~without longitudinal reinforcement supporting walls are permitted~~ with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are

*permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.*

- ~~2. For foundation systems consisting of a plain concrete footing and a plain concrete stemwall, a minimum of one bar shall be provided at the top of the stemwall and at the bottom of the footing.~~
- ~~3. Where a slab on ground is cast monolithically with the footing, one No. 5 bar is permitted to be located at either the top of the slab or bottom of the footing.~~

1908.1.9 – 1908.1.10 {CBC text not modified}

**1908.1.11 ACI 318, Section 21.6.4.1.** Modify ACI 318, Section 21.6.4.1, to read as follows:

Where the calculated point of contraflexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318 Sections 21.6.4.1, Items (a) through (c), over the full height of the member.

**1908.1.12 ACI 318, Section 21.6.4.** Modify ACI 318, Section 21.6.4, by adding Section 21.6.4.8 to read as follows:

21.6.4.8 – At any section where the design strength,  $\phi P_n$ , of the column is less than the sum of the shears  $V_e$  computed in accordance with ACI 318 Sections 21.5.4.1 and 21.6.5.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Sections 21.6.4.1 through 21.6.4.3 shall be provided. For beams framing into opposite sides of the column, the moment components may be assumed to be of opposite sign. For the determination of the design strength,  $\phi P_n$ , of the column, these moments may be assumed to result from the deformation of the frame in any one principal axis.

**1908.1.13 ACI 318, Section 21.9.4.** Modify ACI 318, Section 21.9.4, by adding Section 21.9.4.6 to read as follows:

21.9.4.6 – Walls and portions of walls with  $P_u > 0.35P_o$  shall not be considered to contribute to the calculated strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 21.13.

**1908.1.14 ACI 318, Section 21.11.6.** Modify ACI 318, Section 21.11.6, by adding the following:

Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or  $6 d_b$  thick, where  $d_b$  is the diameter of the largest reinforcement in the topping slab.

SECTION 41. FMC §7-1220.1909 ADDED

Section 7-1220.1909 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.1909 Amendment to 2010 CBC Section 1909 (Structural Plain Concrete)**

*Section 1909 of the 2010 California Building Code is amended as follows:*

1909.1 -1909.3 {CBC text not modified}

**1909.4 Design.** Structural plain concrete walls, footings and pedestals shall be designed for adequate strength in accordance with ACI 318, Section 22.4 through 22.8.

**Exception:** For Group R-3 occupancies and buildings or other occupancies less than two stories above grade plane of light-frame construction, the required edge thickness of ACI 318 is permitted to be reduced to 6 inches (152 mm), provided that the footing does not extend more than 4 inches (102 mm) on either side of the supported wall. *This exception shall not apply to structural elements designed to resist seismic lateral forces for structures assigned to Seismic Design Category D, E or F.*

1909.5 – 1909.6.3 {CBC text not modified}

SECTION 42. FMC §7-1220.2204 ADDED

Section 7-1220.2204 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2204 Amendment to 2010 CBC Section 2204 (Connections)**

*Section 2204 of the 2010 California Building Code is amended as follows:*

2204.1 {CBC text not modified}

**2204.1.1 Consumables for welding.**

**2204.1.1.1 Seismic force resisting system (SFRS) welds.** All welds used in members and connections in the SFRS shall be made with filler metals meeting the requirements specified in AWS D1.8 Clause 6.3. AWS D1.8 Clauses 6.3.5, 6.3.6, 6.3.7 and 6.3.8 shall apply only to demand critical welds.

**2204.1.1.2 Demand critical welds.** Where welds are designated as demand critical, they shall be made with filler metals meeting the requirements specified in AWS D1.8 Clause 6.3.

2204.2 – 2204.2.1 {CBC text not modified}

SECTION 43. FMC §7-1220.2205 ADDED

Section 7-1220.2205 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2205 Amendment to 2010 CBC Section 2205 (Structural Steel)**

*Section 2205 of the 2010 California Building Code is amended as follows:*

2205.1 – 2205.3.1 {CBC text not modified}

**2205.4 AISC 341, Part I, Section 13.2 Members.** Add Section 13.2f to read as follows:

13.2f. Member Types. The use of rectangular HSS are not permitted for bracing members, unless filled solid with cement grout having a minimum compressive strength of 3,000 psi (20.7 MPa) at 28 days. The effects of composite action in the filled composite brace shall be considered in the sectional properties of the system where it results in the more severe loading condition or detailing.

SECTION 44. FMC §7-1220.2304 ADDED

Section 7-1220.2304 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2304 Amendment to 2010 CBC Section 2304 (General Construction Requirements)**

*Section 2304 text and Table 2304.9.1 of the 2010 California Building Code are amended as follows:*

2304.1 – 2304.9 {CBC text not modified}

**2304.9.1 Fastener requirements.** Connections for wood members shall be designed in accordance with the appropriate methodology in Section 2301.2. The number and size of fasteners connecting wood members shall not be less than that set forth in Table 2304.9.1. *Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.*

**Exception:** Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

2304.9.1. – 2304.12 {CBC text not modified}

**Table 2304.6.**

Add new footnote q to Table 2304.9.1. to read as follows. The remaining portions of Table 2304.6 are not modified.

q. Staples shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

**SECTION 45.** FMC §7-1220.2305 ADDED

Section 7-1220.2305 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2305 Amendment to 2010 CBC Section 2305 (General Design Requirements for Lateral-Force-Resisting Systems)**

*Section 2305 of the 2010 California Building Code is amended as follows:*

2305.1 – 2305.3 {CBC text not modified}

**2305.4 Quality of Nails.** In Seismic Design Category D, E or F, mechanically driven nails used in wood structural panel shear walls shall meet the same dimensions as that required for hand-driven nails, including diameter, minimum length and minimum head diameter. Clipped head or box nails are not permitted in new construction. The allowable design value for clipped head nails in existing construction may be taken at no more than the nail-head-area ratio of that of the same size hand-driven nails.

**2305.5 Hold-down connectors.** In Seismic Design Category D, E or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm by 76 mm by 76 mm) in size. Hold-down connectors shall be tightened to finger tight plus one half (1/2) wrench turn just prior to covering the wall framing.

**SECTION 46.** FMC §7-1220.2306 ADDED

Section 7-1220.2306 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2306 Amendment to 2010 CBC Section 2306 (Allowable Stress Design)**

*Section 2306 of the 2010 California Building Code is amended as follows:*

2306.1 – 2306.2 {CBC text not modified}

**2306.2.1 Wood structural panel diaphragms.** Wood structural panel diaphragms shall be designed and constructed in accordance with AF&PA SDPWS. Wood structural panel diaphragms are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.2.1(1) or 2306.2.1(2). The allowable shear capacities in Table 2306.2.1(1) and 2306.2.1(2) are permitted to be increased 40 percent for wind design.

Wood structural panel diaphragms fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic Design Category D, E or F.

**Exception:** Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

Wood structural panel diaphragms used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall be applied directly to the framing members.

**Exception:** Wood structural panel diaphragm is permitted to be fastened over solid lumber planking or laminated decking, provided the panel joints and lumber planking or laminated decking joints do not coincide.

2306.2.2 – 2306.2.4 {CBC text not modified}

**2306.3 Wood structural panel shear walls.** Wood structural panel shear walls shall be designed and constructed in accordance with AF&PA SDPWS. Wood structural panel shear walls are permitted to resist horizontal forces using the allowable capacities set forth in Table 2306.3 Allowable capacities in Table 2306.3 are permitted to be increased 40 percent for wind design. Wood structural panel shear walls used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall not be less than 4 feet by 8 feet (1219 mm by 2438 mm), except at boundaries and at changes in framing. Wood structural panel thickness for shear walls shall not be less than 3/8 inch thick and studs shall not be spaced at more than 16 inches on center.

The maximum allowable shear value for three-ply plywood resisting seismic forces in structures assigned to Seismic Design Category D, E or F is 200 pounds per foot (2.92 kN/m). Nails shall be placed not less than 1/2 inch (12.7 mm) in from the panel edges and not less than 3/8 inch (9.5mm) from the edge of the connecting members for shear greater than 350 pounds per foot (5.11kN/m). Nails shall be placed not less than 3/8 inch (9.5 mm) from panel edges and not less than 1/4 inch (6.4 mm) from the edge of the connecting members for shears of 350 pounds per foot (5.11kN/m) or less.

Wood structural panel shear walls fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic Design Category D, E or F.

**Exception:** Staples may be used for wood structural panel shear walls when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

Wood structural panel shear walls used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall be applied directly to the framing members.

2306.3.1 – 2306.6 {CBC text not modified}

**2306.7 Shear walls sheathed with other materials.**

**2306.7.1 Resistance to shear (wood framing).** Wood-framed walls sheathed with gypsum board shall not be used to resist wind and seismic loads. Wood-framed walls sheathed with lath and plaster constructed in accordance with Table 2306.7 may be used to resist wind and seismic loads for light-framed buildings no more than 1,600 square feet in floor area and entire structure must be single story structure.

**2306.7.2 Resistance to shear (steel framing).** Cold-formed steel-framed walls sheathed with gypsum board shall not be used to resist wind and seismic loads. Cold-formed steel-framed walls sheathed with lath and plaster constructed in accordance with Table 2306.7 may be used to resist wind and seismic loads for light-framed buildings no more than 1,600 square feet in floor area and entire structure must be single story structure.

SECTION 47. FMC §7-1220.2308 ADDED

Section 7-1220.2308 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2308 Amendment to 2010 CBC Section 2308 (Conventional Light Frame Construction)**

*Section 2308 of the 2010 California Building Code is amended as follows:*

2308.1 – 2308.12.4 {CBC text not modified}

**2308.12.5 Attachment of sheathing.** Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.12.4 or 2304.9.1. Wall sheathing shall not be attached to framing members by adhesives. *Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.*

**Exception:** Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

*All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inches (6096 mm) intervals along the top plate of discontinuous vertical framing.*

2308.12.6 – 2308.12.9 {CBC text not modified}



**SECTION 48.** FMC §7-1220.2508 ADDED

Section 7-1220.2508 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.2508 Amendment to 2010 CBC Section 2508 (Gypsum Construction)**

*Section 2508 of the 2010 California Building Code is amended as follows.*

2508.1 – 2508.4 {CBC text not modified}

**2508.5 Horizontal gypsum board diaphragm ceilings.** deleted

**SECTION 49.** FMC §7-1220.3401 ADDED

Section 7-1220.3401 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.3401 Amendment to 2010 CBC 3401 (General).**

*Section 3401 of 2010 California Building Code is amended as follows:*

**3401.1 Scope.** {CBC text not modified}

[DSA- AC] - {CBC text not modified}

Additions, alterations or repairs to an existing building **or** structure which are located within the Wildland-Urban Interface Fire Area shall comply with the requirements of FBC Section 7-1220.701A.

**Exceptions:** {CBC text not modified}

3401.1.1 – 3401.7 {CBC text not modified}

**SECTION 50.** FMC §7-1220.3408 ADDED

Section 7-1220.3408 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) to read:

**Sec. 7-1220.3408 Amendment to 2010 CBC 3408 (Change of Occupancy)**

*Section 3408 of 2010 California Building Code is amended as follows:*

3408.1 – 3408.4 {CBC text not modified}

**3408.4.1 AFES.** When a change of occupancy results in a structure being reclassified to a higher occupancy category per table 3408.4.1, an automatic fire extinguishing system shall be installed throughout the structure.

\*Table 3408.4.1

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A,E, I-1,M,R-1,R-2,R-4
4	B,F-1,R-3,S-1
5 (Lowest Hazard)	F-2,S-2,U

\* Ref: 2009 IEBC Table 912.4

**SECTION 51.** FMC §7-1223 AMENDED

Section 7-1223 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Building Code) is amended to read:

**Sec. 7-1223 Supplemental Building Codes**

The provisions of Fremont Municipal Code Title VII (Building Regulations), Chapter 2 (Building Security) supplement the 2010 California Building Code as adopted by this Chapter as provided in Penal Code Section 14051.

[ARTICLE 3 - FREMONT MECHANICAL CODE]

**SECTION 52.** FMC §7-1310 AMENDED

Section 7-1310 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) is amended to read:

**Sec. 7-1310 Adoption of the 2010 CMC with Amendments.**

The 2010 edition of the California Mechanical Code (CMC) as published by the International Code Council is adopted as the Mechanical Code of the City of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2010 CMC shall be maintained on file in the office of the City Clerk.

**SECTION 53.** FMC §7-1312 AMENDED

Section 7-1312 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) is amended to read:

**Sec. 7-1312 2010 CMC Appendix Chapters Adopted.**

The following Appendix Chapters and Divisions of the 2010 California Mechanical Code are adopted by the City of Fremont.

- (1) Appendix A, Standard No. 2-2, 6-2, 6-5
- (2) Appendix B

(3) Appendix C

(4) Appendix D

**SECTION 54.** FMC §7-1314 ADDED

Section 7-1314 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1314 2010 CMC Chapter 1, Division II Adopted in Part**

(a) Chapter 1, Division II of the 2010 California Mechanical Code is adopted by the City of Fremont and made a part of the Fremont Mechanical Code, except for the sections set forth in subsection (b). References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Fremont.

(b) The following sections or parts of sections of Chapter 1, Division II of the 2010 California Mechanical Code are not adopted: 101.0, 102.0, 103.2, 103.4, 108.2, 108.8, 108.9, 110.0, 111.0.

**SECTION 55.** FMC §7-1320 AMENDED

Section 7-1320 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) is amended to read:

**Sec. 7-1320 Amendments to 2010 CMC; Numbering**

The 2010 California Mechanical Code is amended as provided in Sections 7-1320.112 through 7-1320.510. The number to the right of the decimal point in these sections corresponds to the section in the 2010 California Mechanical Code that is amended.

**SECTION 56.** FMC §7-1320.112 ADDED

Section 7-1320.112 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.112 Amendment of 2010 CMC Section 112 (Permits Required)**

*Section 112 of the 2010 California Mechanical Code is amended as follows:*

112.0 - 112.1 {CMC text not modified}

**112.1.1 Who may be issued a permit.** Permits shall be issued only to State licensed contractors or their respective authorized representative but only to the extent and to the work the person is licensed by the State of California to do so.

Exception: Permits may be issued to owners certifying proof of exemption under the exemptions specified in California Business and Professions Code Section 7044.

112.2 -112.2.5 {CMC text not modified}

**SECTION 57.** FMC §7-1320.113 ADDED

Section 7-1320.113 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.113 Amendment of 2010 CMC Section 113 (Application for Permit)**

*Section 113 of the 2010 California Mechanical Code is amended as follows:*

113.0 – 113.1.4 {CMC text not modified}

**113.1.5.** The application shall be signed by the permittee, contractor, or authorized representative of the permittee who may also be required to submit additional evidence to indicate such authority. Applicant must certify that the contents thereof are true and correct under penalty of perjury.

113.6 {CMC text not modified}

**SECTION 58.** FMC §7-1320.114 ADDED

Section 7-1320.114 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.114 Amendment of 2010 CMC Section 114 (Permit Issuance)**

*Section 114 of the 2010 California Mechanical Code is amended as follows:*

114.0 - 114.1 {CMC text not modified}

**114.1.1 Withhold permit.** The Building Official may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit where no building permit has been issued.

114.2 – 114.5 {CMC text not modified}

**114.6 Maintenance permit.** Companies or business owners may purchase a semiannual Maintenance Permit in lieu of purchasing a permit prior to repairs or replacement of equipment. In addition, mechanical permit(s) shall be obtained for individual work being performed during each semiannual maintenance permit. All tests and inspections required by the applicable code(s) shall be performed and inspected prior to connection. An activity log describing all work performed shall be maintained on site for the periodic review by the inspector during each 180 day period.

Fees adopted by resolution of the City Council shall be paid for each semiannual Maintenance Permit at the time when such permit is issued and shall not be subject to extension as provided for in Section 114.4.

SECTION 59. FMC §7-1320.115 ADDED

Section 7-1321.115 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.115 Amendment of 2010 CMC Section 115 (Fees)**

*Sections 115 of the 2010 California Mechanical Code is amended as follows:*

115.0 - 115.1 {CMC text not modified}

**115.2 Permit fees.** Permit fees shall be established by resolution of the City Council for any permit, inspection, review, approval, determination, or other procedure established pursuant to this Code.

**115.3 Plan review fees.** When a plan or other data is required to be submitted by Section 113.2 of the California Mechanical Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as established by resolution of the City Council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 115.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the City Council.

115.4 - 115.6.3 {CMC text not modified}

SECTION 60. FMC §7-1320.117 ADDED

Section 7-1320.117 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.117 Amendment of 2010 CMC Section 117 (Connection Approval)**

*Section 117 of the 2010 California Mechanical Code is amended as follows:*

117.0 {CMC text not modified}

**117.1 Energy connections.** There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has first been obtained from the Building Official.

117.2 {CMC text not modified}

**SECTION 61.** FMC §7-1320.507 ADDED

Section 7-1320.507 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.507 Amendment of 2010 CMC Section 507 (Commercial Hoods & Kitchen Ventilation)**

507.0 – 507.2.9 { CMC text not modified}

**507.2.10** Type I hoods or portions thereof penetrating a ceiling or furred space must conform to the grease duct enclosure requirements in Section 510.7.

**507.2.11** Hoods less than 12 inches from a ceiling or wall shall be solidly flashed with materials of the same thickness as the hood as specified in Section 508.1.1.

507.3 – 507.4 {CMC text not modified}

**SECTION 62.** FMC §7-1320.510 ADDED

Section 7-1320.510 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 (Fremont Mechanical Code) to read:

**Sec. 7-1320.510 Amendment of 2010 CMC Section 510 (Exhaust Duct Systems)**

510.0 – 510.7 {CMC text not modified}

**510.7.1** In all buildings ~~more than one story in height, and in one story buildings where the roof ceiling assembly is required to have a fire resistance rating,~~ the ducts shall be enclosed in a continuous enclosure extending from the lowest fire-rated ceiling or floor above the hood, through any concealed spaces, to or through the roof so as to maintain the integrity of the fire separations required by the applicable building code provisions. The enclosure shall be sealed around the duct at the point of penetration of the lowest fire-rated ceiling or floor above the hood in order to maintain the fire resistance rating of the enclosure and shall be vented to the exterior of the building through weather-protected openings.

**Exception:** {CMC text not modified}

510.7.2 – 510.9 {CMC text not modified}

**SECTION 63.** FMC §7-1321 Through 7-1321.117 REPEALED

Sections 7-1321, 7-1321.112, 7-1321.113, 7-1321.114, 7-13201.115, and 7-1321.117 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 3 are repealed.

[ARTICLE 4 - FREMONT PLUMBING CODE]

SECTION 64. FMC §7-1410 AMENDED

Section 7-1410 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 4 (Fremont Plumbing Code) is amended to read:

**Sec. 7-1410 Adoption of the 2010 CPC With Amendments**

The 2010 edition of the California Plumbing Code (CPC) as published by the International Code Council is adopted as the Plumbing Code of the City of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2010 CPC shall be maintained on file in the office of the City Clerk.

SECTION 65. FMC §7-1412 AMENDED

Section 7-1412 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 4 (Fremont Plumbing Code) is amended to read:

**Sec. 7-1412 2010 CPC Appendix Chapters Adopted**

The following Appendix Chapters of the 2010 California Plumbing Code are adopted by the City of Fremont.

- (1) Appendix A, (Sizing Water Supply System)
- (2) Appendix B (Combination Waste and Vent System)
- (3) Appendix D (Sizing Storm Water System)
- (4) Appendix I (Installation Standard)

SECTION 66. FMC §7-1414 ADDED

Section 7-1414 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 4 (Fremont Plumbing Code) to read:

**Sec. 7-1414 Adoption of Certain Portions of 2010 CPC Chapter 1, Division II**

(a) Chapter 1, Division II of the 2010 California Plumbing Code is adopted by the City of Fremont and made a part of the Fremont Plumbing Code, except for the sections set forth in subsection (b). References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Fremont.

(b) The following sections or parts of sections of Chapter 1, Division II of the 2010 California Plumbing Code are not adopted: 101.1, 101.2, 101.4.1.4, 101.4.3, 102.2.1, 102.2.6, 102.3, 103.7, and 103.8.

**SECTION 67.** FMC §7-1421 – 7-1421.413 REPEALED

Sections 7-1421, 7-1421.102, 7-1421.103, and 7-1421.413 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 4 are repealed.

**SECTION 68.** FMC §7-1420.102 ADDED

Section 7-1420.102 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 4 (Fremont Plumbing Code) to read:

**Sec. 7-1420.102 Amendment of 2010 CPC Section 102 (Organization and Enforcement)**

*Section 102 of the 2010 California Plumbing Code is amended as follows.*

102.0 {CPC text not modified}

**102.1 Authority having jurisdiction.** Whenever the term “Authority Having Jurisdiction” is used in this Article, it shall be construed to mean the Building Official or his or her authorized representative.

102.2 {CPC text not modified}

102.2.1 {not adopted}

102.2.2 – 102.2.5 {CPC text not modified}

102.2.6 {not adopted}

102.3 – 102.3.2 {not adopted}

**SECTION 69.** FMC §7-1420.103 ADDED

Section 7-1420.103 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 4 (Fremont Plumbing Code) to read:

**Sec. 7-1420.103 Amendment of 2010 CPC Section 103 (Permits and Inspections)**

*Section 103 of the 2010 California Plumbing Code is amended as follows:*

103.0 -103.2.1.6 {CPC text not modified}

**103.2.1.7** Permits shall be issued only to contractors or their respective authorized representatives licensed by the State to perform the work authorized by the permit. Permits may be issued to owners certifying proof of exemption under Chapter 9, Division 3, Section 7044 of the State of California Business and Professions Code.

**103.2.1.8** The application shall be signed by the permittee, contractor, or authorized representative of the permittee who may also be required to submit additional



evidence to indicate such authority. Applicant must certify that the contents thereof are true and correct under penalty of perjury.

103.2.2 – 103.3.1 {CPC text not modified}

**103.3.1.1** The building official may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit and where no building permit has been issued.

103.3.2 – 103.3.5 {CPC text not modified}

**103.3.6 Maintenance Permit.** Companies or business owners may purchase a semiannual Maintenance Permit in lieu of purchasing a permit prior to repairs or replacement of equipment. In addition, plumbing permit(s) shall be obtained for individual work being performed during each semiannual maintenance permit. All tests and inspections required by the applicable code(s) shall be performed and inspected prior to connection. An activity log describing all work performed shall be maintained on site for the periodic review by the inspector during each 180 day period.

Fees provided by resolution of the City Council shall be paid for each semiannual Maintenance Permit at the time when such permit is issued and shall not be subject to extension as provided in Section 103.3.4 of the 2010 California Plumbing Code.

103.4 {CPC text not modified}

**103.4.1 Permit fees.** The applicant shall pay for each permit at the time of issuance a fee established by resolution of the City Council for any permit, inspection review, approval, determination or other procedure established pursuant to this Code.

**103.4.2 Plan review fees.** When a plan or other data is required to be submitted by Section 103.2.2 of the California Plumbing Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be as established by resolution of the City Council. When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the City Council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4.1 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the City Council.

103.4.3 - 103.6.3 {CPC text not modified}

**103.6.4. Clearance of connections.** There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any

building or system sought to be connected to such utilities unless approval has been first obtained from the Building Official, as provided for a certificate of final inspection in Section 103.5.6.3.

103.7 – 103.8.2 {not adopted}

[ARTICLE 5. FREMONT ELECTRICAL CODE]

SECTION 70. FMC §7-1510 AMENDED

Section 7-1510 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 5 (Fremont Electrical Code) is amended to read:

**Sec. 7-1510 Adoption of the 2010 California Electrical Code without amendments.**

The 2010 edition of the California Electrical Code as published by the International Code Council is adopted as the Electrical Code of the City of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2010 CEC shall be maintained on file in the office of the City Clerk.

[ARTICLE 6. FREMONT EXISTING BUILDING CODE]

SECTION 71. FMC §7-1610 AMENDED

Section 7-1610 of Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 6 (Fremont Existing Building Code) is amended to read:

**Sec. 7-1610 Adoption of the 2010 California Existing Building Code Without Amendments.**

The 2010 edition of the California Existing Building Code (CEBC) as published by the International Code Council is adopted as the Existing Building Code of the City of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2010 CEBC shall be maintained on file in the office of the City Clerk.

SECTION 72. FMC §7-3113 ADDED

Section 7-3113 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 3 (Fremont Housing Code) to read:

**Sec. 7-3113 Amendments to the 1997 edition of the Uniform Housing Code to Conform to the 2010 California Building Standards Code**

The text of the 1997 Edition of the Uniform Housing Code, as adopted and amended by Section 7-3112, is further amended to conform to the 2010 California Building Standards Code as follows.

- (a) The reference to “Section 106 of the Building Code” in Section 301 is changed to

“the Building Code”.

(b) The reference to “Section 107 of the Building Code” in Section 302 is changed to “the Building Code”.

(c) The reference to “Sections 108 and 1701 of the Building Code” in Section 303 is changed to “the Building Code”.

(d) The definition of “Building Code” in Section 401 is amended to read:

**BUILDING CODE** is the 2010 California Building Code as adopted and amended by the City of Fremont.

(e) The definition of “Mechanical Code” in Section 401 is amended to read:

**MECHANICAL CODE** is the 2010 California Mechanical Code as adopted and amended by the City of Fremont.

(f) The definition of “Plumbing Code” in Section 401 is amended to read:

**PLUMBING CODE** is the 2010 California Plumbing Code as adopted and amended by the City of Fremont.

(g) [text unchanged]

(h) [text unchanged]

(i) The reference to “Section 102 of the Building Code” in Section 1001 is changed to “the Building Code”.

**SECTION 73.**     **FMC §7-4113 ADDED**

Section 7-4113 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 3 (Fremont Housing Code) to read:

**Sec. 7-4113            Amendments to the 1997 Edition of the Uniform Code For Abatement of Dangerous Buildings to Conform to the 2010 California Building Standards Code.**

The text of the 1997 Edition of the Uniform Code For Abatement of Dangerous Buildings, as adopted and amended by Section 7-4112, is further amended to conform to the 2010 California Building Standards Code as follows.

(a) The reference to “Section 3403” of the Building Code in Section 103 is changed to “Section 3401.2.”

(b) The reference to “Sections 108 and 1701 of the Building Code” in Section 204 is changed to “the Building Code”.

(c) The definition of “Building Code” in Section 301 is changed to read as follows:

**BUILDING CODE** is the 2010 California Building Code as adopted and amended by the City of Fremont.

[ARTICLE 8      FREMONT RESIDENTIAL CODE]

SECTION 74.      ARTICLE 8 ADDED TO TITLE VII, CHAPTER 1

Article 8 titled “Fremont Residential Code” is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code).

SECTION 75.      FMC §7-1810 ADDED

Section 7-1810 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1810      Adoption of the 2010 CRC with Amendments.**

The 2010 edition of the California Residential Code (CRC) as published by the International Code Council is adopted with amendments as the Residential Code of the City of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2010 CRC shall be maintained on file in the office of the City Clerk.

SECTION 76.      FMC §7-1812 ADDED

Section 7-1812 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1812      Adoption of Certain 2010 CRC Appendix Chapters**

The following Appendix Chapters of the 2010 California Building Code are adopted by the City of Fremont. The remaining Appendix Chapters are not adopted.

- (1) Appendix Chapter G (Swimming Pools, Spas & Hot Tubs)
- (2) Appendix Chapter H (Patio Covers)
- (3) Appendix Chapter K (Sound Transmission)

SECTION 77.      FMC §7-1814 ADDED

**Sec. 7-1814      Administration of Residential Code**

(a) Chapter 1, Division II of the 2010 California Residential Code is not adopted.

(b) Chapter 1, Division II of the 2010 California Building Code as adopted by the City of Fremont in FMC Section 7-1214 and amended by Section 7-1220.104 through 7-1220.112 governs the administration of the Fremont Residential Code.

**SECTION 78.** FMC §7-1820 ADDED

Section 7-1820 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 2 (Fremont Residential Code) to read:

**Sec. 7-1820 Amendments to 2010 CRC; Numbering**

The 2010 California Residential Code is amended as provided in Sections 7-1820.R105 through 7-1820.R113. The number to the right of the decimal point in these sections corresponds to the section in the 2010 California Residential Code amended by the City of Fremont.

**SECTION 79.** FMC §7-1830.R302 ADDED

Section 7-1820.R302 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 3 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R302 Amendment of 2010 CBC Section R302 (Fire-Resistant Construction).**

*Section R302 of the 2010 California Residential Code is amended as follows:*

R302.1 – 302.2.4 {CRC text not modified}

**R302.3 Two-family dwellings** {CRC text not modified}

**Exceptions:**

1. deleted.
2. {CRC text not modified}

R302.3.1 – R302.5 {CRC text not modified}

**R302.5.1 Opening protection.** {CRC text not modified}

**Exception:** deleted

*Table R302.6 is amended as follows:*

TABLE R302.6  
DWELLING/GARAGE AND/OR CARPORT SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage <i>or</i> carport	Not less than 5/8-inch Type X gypsum board or equivalent

Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area

**SECTION 80.** FMC §7-1820.R313 ADDED

Section 7-1820.R313 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R313 Amendment to 2010 CRC Section R313 (Automatic Fire Sprinkler Systems)**

*Section R313 of the 2010 California Residential Code is amended as follows:*

**R313.1 General.** Automatic sprinkler systems shall be provided as set forth in Section 903 of the California Fire Code as adopted and amended by FMC Section 7-1720.903.

R313.1.1 – R313.3.8.2 deleted

**SECTION 81.** FMC §7-1820.R322 ADDED

Section 7-1820.R322 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R322 Amendment to 2010 CRC Section R322 (Flood-Resistant Construction)**

*Section R322 of the 2010 California Residential Code is amended as follows:*

R322.1 – R322.1.3 {CRC text not modified}

**R322.1.4 Establishing the design flood elevation.** See FMC Section 7-1220.1612 for design flood elevation.

R322.1.5 – R322.3.6 {CRC text not modified}

**SECTION 82.** FMC §7-1820.R327 ADDED

Section 7-1820.R327 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R327 Amendment to 2010 CRC Section R327 (Materials and Construction Methods for Exterior Wildfire Exposure)**

*Section R327 of the 2010 California Residential Code is deleted. For structures exposed to exterior wildfire, California Building Code Chapter 7A with amendments in FMC Section 7-1220.701A, 7-1220.702A, 7-1220.705A, and 7-1220.707A applies.*

**SECTION 83.** FMC §7-1820.R401 ADDED

Section 7-1820.R401 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R401 Amendment to 2010 CRC Section R401 (General)**

*Section R401 of the 2010 California Residential Code is amended as follows:*

R401.1 – R401.3 {CRC text not modified}

**R401.4 Soils tests.** For establishing soil tests, see FMC Section 7-1220.1803.

**R401.4.1 – R401.4.2** deleted

**Table R401.4.1** deleted

**SECTION 84.** FMC §7-1820.R404

Section 7-1820.R404 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R404 Amendment to 2010 CRC Section R404 (Foundation and Retaining Walls)**

*Section R404 of the 2010 California Residential Code is amended as follows:*

R404.1 – R404.1.8 {CRC text not modified}

**R404.2 Wood foundation walls.** Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures R403.1(2) and R403.2(3). *Wood foundation walls shall not be used for structures located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.*

R404.2.1 – R404.5.3 {CRC text not modified}

**SECTION 85.** FMC §7-1820.R602 ADDED

Section 7-1820.R602 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

## **Sec. 7-1820.R602 Amendment to 2010 CRC Section R602 (Wood Wall Framing)**

*Section R602 of the 2010 California Residential Code is amended as follows:*

### **Table R602.10.1.2(1)**

*Footnote j. is added to Table R602.10.1.2(1) of the 2010 California Residential Code to read as follows. The remaining portions of Table R602.10.1.2(1) are not modified.*

j. Bracing methods LIB, GB and PCP are not permitted.

### **Table R602.10.1.2(2)**

*Footnote d. is added to Table R602.10.1.2(2) of the 2010 California Residential Code to read as follow. The remaining portions of Table R602.10.1.2(2) are not modified.*

d. Bracing methods LIB, GB and PCP are not permitted.

### **Table R602.10.2**

*Footnote a. is added to Table R602.10.2 of the 2010 California Residential Code to read as follows. The remaining portions of Table R602.10.2 are not modified.*

a. Bracing methods LIB, GB and PCP are not permitted.

## **SECTION 86. FMC §7-1820.R606 ADDED**

Section 7-1820.R606 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

## **Sec. 7-1820.R606 Amendment to 2010 CRC Section R606 (General Masonry Construction)**

*Section R606 of the 2010 California Residential Code is amended as follows:*

R606.1 – R606.12.2.2.2 {CRC text not modified}

**R606.12.2.2.3 Reinforcement of requirements for masonry elements.** Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure ~~R606.11(2)~~R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal joint reinforcement shall consist of ~~at least two longitudinal W1.7 wires spaced not more than 16 inches (406 mm) for walls greater than 4 inches (102 mm) in width and at least one longitudinal W1.7 wire spaced not more than 16 inches (406 mm) for walls not exceeding 4 inches (102 mm) in width; or at least one No. 4 bar spaced not more than 48 inches (1219 mm). Where two longitudinal wires of joint reinforcement are used, the space between these wires shall be the widest that the mortar joint~~



~~will accommodate.~~ Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.

2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1219 mm). Vertical reinforcement shall be within ~~16-8~~ inches (406mm) of the ends of masonry walls.

**SECTION 87.** FMC §7-1820.R802 ADDED

Section 7-1820.R802 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 8 (Fremont Residential Code) to read:

**Sec. 7-1820.R802 Amendment to 2010 CRC Section R802 (Wood Roof Framing)**

*Section R802 of the 2010 California Residential Code is amended as follows:*

R802.1 – R802.10.1 {CBC text not modified}

**R802.10.2 Design.** Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal-plate-connected wood trusses shall comply with ANSI/TPI 1. The truss design drawings shall be prepared by a registered professional ~~where required by the statutes of the jurisdiction in which the project is to be constructed in accordance with Section R106.1.~~

**R802.10.2.1 Applicable limits.** deleted

R802.10.3 - R802.11.1 {CRC text not modified}

[ARTICLE 9 FREMONT GREEN BUILDING CODE]

**SECTION 88.** ARTICLE 9 ADDED TO TITLE VII, CHAPTER 1

Article 9 titled “Fremont Green Building Code” is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code).

**SECTION 89.** FMC §7-1910 ADDED

Section 7-1910 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 9 (Fremont Green Building Code) to read:

**Sec. 7-1910 Adoption of the 2010 CGBC with Amendments.**

The 2010 edition of the California Green Building Code (CGBC) as published by the International Code Council is adopted with amendments as the Green Building Code of the City of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2010 CGBC shall be maintained on file in the office of the City Clerk.

SECTION 90. FMC §7-1920 ADDED

Section 7-1920 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 9 (Fremont Green Building Code) to read:

**Sec. 7-1920 Amendments to 2010 CGBC; Numbering**

The 2010 California Green Building Code is amended as provided in Sections 7-1920.101 through 7-1920.304. The number to the right of the decimal point in these sections corresponds to the section in the 2010 California Green Building Code amended by the City of Fremont.

SECTION 91. FMC §7-1920.101 ADDED

Section 7-1920.101 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 9 (Fremont Green Building Code) to read:

**Sec. 7-1920.101 Amendment to 2010 CGBC Section 101.10 (Mandatory Requirements)**

*Section 101 of the 2010 California Green Building Code is amended as follows:*

101.1 – 101.9 {CGBC text not modified}

**101.10 Mandatory requirements.** This code contains both mandatory and voluntary green building measures. Mandatory and voluntary measures are identified in the appropriate application checklist contained in this code. Additional local mandatory measures are identified in Section A4.601.1.1.

101.11 {CGBC text not modified}

SECTION 92. FMC §7-1920.202 ADDED

Section 7-1920.202 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 9 (Fremont Green Building Code) to read:

**Sec. 7-1920.202 Amendment to 2010 CGBC Section 202 (Definitions)**

*Section 202 of the 2010 California Green Building Code is amended by modifying the definition of Low-Rise Residential Building and added a definition for Sustainability as follows. The remaining portions of Section 202 are not modified.*

**LOW-RISE RESIDENTIAL BUILDING.** A building that is of Occupancy Group R and is ~~three~~ six stories or less, or that is a one- or two-family dwelling or townhouse.

**SUSTAINABILITY.** *Consideration of present development and construction impacts on the community, the economy, and the environment without compromising the needs of the future.*

SECTION 93. FMC §7-1920.4.304 ADDED

Section 7-1920.4.304 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 9 (Fremont Green Building Code) to read:

**Sec. 7-1920.4.304 Amendment to 2010 CGBC Section 4.304 (Outdoor Water Use)**

*Section 4.304 of the 2010 California Green Building Code is amended as follows:*

**4.304.1 Irrigation controllers.** Automatic irrigation system controllers for landscaping provided ~~by the builder~~ and installed at the time of final inspection and shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

**Note:** {CGBC text not modified}

SECTION 94. FMC §7-1920.A4.601 ADDED

Section 7-1920.A4.601 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code), Article 9 (Fremont Green Building Code) to read:

**Sec. 7-1920.A4.601 Amendment to 2010 CGBC Section A4.601 (General)**

*Section A4.601 of the 2010 California Green Building Code is amended as follows:*

A4.601.1 {CGBC text not modified}

**A4.601.1.1 Local mandatory measures.** The Tier 1 measures in Appendix A4 are mandatory for new low-rise residential buildings.

Exception: Appendix A4, Tier 1 is not mandatory for new low-rise residential projects that meets the minimum point requirements in each category and scores at least 50 points on either the Single Family or Multifamily GreenPoint Rated Checklist ( <http://www.builditgreen.org/guidelines--checklists/> ), published by [www.greenpointrated.org](http://www.greenpointrated.org) ( <http://www.greenpointrated.org/> ) and as verified by a Certified GreenPoint Rater ( <http://www.builditgreen.org/greenpoint-rated/find-rater/> ).

A4.601.2 – {CGBC text not modified}

SECTION 95. EFFECTIVE DATE

This ordinance shall take effect and be enforced beginning on January 1, 2011.

SECTION 96. CEQA

The City Council finds under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA Guidelines.

SECTION 97. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 98. PUBLICATION OF SUMMARY

The City Clerk has caused to be published a summary of this ordinance, prepared by the City Attorney under Government Code Section 36933(c), once in *The Tri-City Voice*, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause to be again published in *The Tri-City Voice* the summary of this ordinance with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

\* \* \* \* \*


The foregoing ordinance was introduced before the City Council of the City of Fremont, County of Alameda, State of California, at the regular meeting of the City Council, held on the 26<sup>th</sup> day of October, 2010 and finally adopted at a regular meeting of the City Council held on the 23<sup>rd</sup> day of November, 2010 by the following vote, to wit:

AYES: Mayor Wasserman, Vice Mayor Chan, Councilmembers  
Wieckowski, Natarajan and Harrison


NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Senior Deputy City Attorney